

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PHOENIX LIGHT SF LIMITED, et al.,	:	
Plaintiffs,	:	
	:	
-against-	:	14 Civ. 10101 (LGS) (SN)
	:	
HSBC BANK USA, NATIONAL	:	
ASSOCIATION,	:	
Defendant.	:	
	:	
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NATIONAL CREDIT UNION	:	
ADMINISTRATION BOARD, et al.,	:	
Plaintiffs,	:	
	:	
-against-	:	15 Civ. 2144 (LGS) (SN)
	:	
HSBC BANK USA, NATIONAL	:	
ASSOCIATION,	:	
Defendant.	:	
	:	
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**ORDER**

LORNA G. SCHOFIELD, District Judge:

WHEREAS, these cases were referred to Magistrate Judge Sarah Netburn for general pre-trial supervision.

WHEREAS, on September 7, 2018, Judge Netburn issued a Scheduling Order and Civil Case Management Plan with a briefing schedule for any motions for summary judgment and motions to exclude an expert under Rule 702 or *Daubert*.

WHEREAS, on April 13, 2021, Plaintiffs in *National Credit Union Administration Board, et al. v. HSBC Bank USA, National Association* requested (1) a revised briefing schedule for the parties' cross-motions for summary judgment and motions to exclude experts; (2) permission for the parties to serve briefs on each other and then file all briefing along with any joint motion to

seal, upon the completion of briefing; and (3) guidance as to related page limits.

WHEREAS, the parties in each case filed pre-motion letters in anticipation of motions for summary judgment and motions to exclude experts and Plaintiffs in each case filed responsive letters to Defendant's pre-motion letters.

WHEREAS, a pre-motion conference is scheduled for May 13, 2021, to discuss the parties' anticipated motions. It is hereby

**ORDERED** that the pre-motion conference scheduled for May 13, 2021, is **CANCELLED**. It is further

**ORDERED** that the parties' briefing schedule for any motions to exclude experts (14 Civ. 10101, Dkt. No. 338; 15 Civ. 2144, Dkt. No. 350) is **ADJOURNED *sine die***. The parties may not file any motions to exclude experts at this time. To the extent a party relies upon an expert opinion in its motion for summary judgment, the opposing party may argue that the Court should disregard the expert opinion and provide an explanation as to why. However, any such argument must be made within the allotted pages for the parties' cross motions for summary judgment, outlined below. Further, any such argument is separate from any *Daubert* motion, which addresses what opinions the jury will hear. It is further

**ORDERED** that the parties in each case shall brief their summary judgment motions without regard to the other case. The previously ordered briefing schedule is **AMENDED** and the parties shall brief their proposed cross motions for summary judgment in each above-captioned case according to the following schedule:

- By **June 15, 2021**, Defendant shall serve its opening brief, not to exceed twenty-seven (27) pages;
- By **July 13, 2021**, Plaintiffs shall serve their opening/responsive briefs, not to

exceed thirty-six (36) pages;

- By **August 10, 2021**, Defendant shall serve its responsive/reply brief in each case, not to exceed twenty-eight (28) pages; and
- By **August 24, 2021**, Plaintiffs shall serve their reply briefs, not to exceed nineteen (19) pages.

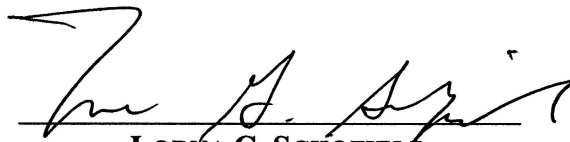
It is further

**ORDERED** that, notwithstanding the aforementioned page allocations, the parties may reallocate the page numbers as they deem appropriate, so long each “side” in each case does not exceed fifty-five (55) pages of briefing in total. The parties shall otherwise comply with the Court’s Individual Rules, and if in effect, the Emergency Individual Rules and Practices in light of COVID-19. It is further

**ORDERED** that, the parties shall serve the motion papers by the deadlines set forth above, and on **September 3, 2021**, shall file the motion papers on the docket, along with any request to file any materials under seal.

The Clerk of Court is respectfully directed to close the motion at 15 Civ. 2144, Dkt. No. 422.

Dated: May 11, 2021  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**